

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

HASAN MALIK DAVIS,

Plaintiff,

v.

WASHOE COUNTY SHERIFF'S OFFICE,
et al.,

Defendants.

Case No. 3:22-cv-00350-ART-CSD

ORDER EXTENDING DEADLINE TO
FILE AMENDED COMPLAINT AND NEW
IFP APPLICATION

Pro se Plaintiff Hasan Davis brings this civil-rights action under 42 U.S.C. § 1983 to redress constitutional violations that he claims he suffered while housed at Washoe County Detention Facility ("WCDF"). (ECF No. 1-1). On September 13, 2022, the Court dismissed Davis's claims and ordered him to file an amended complaint by October 13, 2022. (ECF No. 8). The Court warned Davis this action could be dismissed if he failed to timely file an amended complaint. (*Id.* at 9). The deadline expired but Davis did not file an amended complaint, move for an extension, or otherwise respond.

But Davis updated his address shortly after the Court's September 13, 2022, screening order, and it appeared that he was no longer incarcerated. So the Court considered alternatives to dismissal and entered a second order on October 18, 2022, extending the deadline for Davis to file an amended complaint to November 18, 2022; denying Davis's application to proceed *in forma pauperis* ("IFP") for an inmate without prejudice; and setting November 18, 2022, as the deadline for Davis to either pay the full \$402 filing fee for a civil action or file a new fully complete IFP application for a non-inmate. (ECF No. 10).

Before that deadline expired, Davis filed notices that he had been arrested on October 21, 2022, and updated his address with the Court to WCDF. (ECF Nos. 11, 12). The Court notes that the WCDF inmate database states that Davis is still incarcerated at that facility. Because it appears that Davis could have missed delivery of the Court's

1 October 18, 2022, order, the Court now considers alternatives to dismissal and enters a
2 third order setting a **final** deadline for Davis to file an amended complaint consistent with
3 the Court's September 13, 2022, screening order and either pay the full \$402 filing fee for
4 a civil action or file a new, fully complete IFP application for an inmate with all three
5 required documents.

6 **I. CONCLUSION**

7 It is therefore ordered that the deadline for Plaintiff Davis to file an amended
8 complaint consistent with the Court's September 13, 2022, screening order is **extended**
9 **to January 13, 2023.**

10 It is further ordered that on or before **January 13, 2023**, Davis must either pay the
11 \$402 filing fee for a civil action or file with the Court (1) a new fully complete Application
12 to Proceed *in forma pauperis* for Inmate on the Court's approved form; (2) a Financial
13 Certificate properly signed by both the inmate and a prison or jail official; and (3) a copy
14 of the inmate's prison or jail trust fund account statement for the previous six-month period
15 or, if shorter, for the dates that he has been at the facility.

16 Davis is cautioned that this action will be subject to dismissal without prejudice if
17 he fails to file an amended complaint and either pay the filing fee or properly apply to
18 proceed *in forma pauperis* by **January 13, 2023**. A dismissal without prejudice allows a
19 plaintiff to refile his claims with the Court under a new case number.

20 The Clerk of the Court is directed to send Plaintiff Davis the approved form
21 application to proceed *in forma pauperis* for an inmate and instructions for the same; the
22 approved form for filing a § 1983 complaint and instructions for the same; a copy of his
23 original complaint (ECF No. 1-1); and a copy of the Court's September 13, 2022,
24 screening order (ECF No. 8).

25 DATED: December 13, 2022.

26 
27 UNITED STATES MAGISTRATE JUDGE
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